

AN ACT establishing the "New Jersey Reparations Task Force" to conduct research and develop reparatory proposals and recommendations to address the generational harms caused by New Jersey's role in America's institution of slavery and its legacy of systemic racial discrimination.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. The Legislature finds and declares:

- a. Four hundred years ago this year, enslave Africans were brought to Jamestown, Virginia as captives.
- b. From 1619 to 1865, approximately 4,000,000 Africans and their descendants, under a practice that was constitutionally and statutorily sanctioned, were enslaved in the United States and the colonies that became the United States.
- c. The system of slavery that flourished in the United States constituted an immoral, shameful, and inhumane deprivation of the life, liberty, humanity, citizenship, and cultural heritage of Africans and also denied them, among other things, the fruits of their own labor upon which this country, and its economy, was built.
- d. An overwhelming body of scholarship, legal and community evidentiary documentation, and the modern day lived experiences of the descendants of enslaved Africans form the basis for inquiry into the ongoing effects of the institution of slavery and its legacy of persistent systemic structures of discrimination on living Black people and communities in the United States.
- e. Following the abolition of slavery, state actors at the federal, state, and local level continued to perpetuate, condone, and profit from practices that continued to brutalize and systemically disadvantage Black people, including sharecropping, convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate treatment at the hands of the criminal justice system.
- f. Contrary to what many people believe, slavery was not just a Southern institution and took root very deeply in New Jersey. In the early 17th Century, the first enslaved African people arrived in New Netherland, a Dutch settlement established in the Mid-Atlantic, which included portions of present day New Jersey. As the demand for labor increased, the number of enslaved African people imported to New Jersey increased, with Bergen County becoming the largest slaveholding county in the Province of New Jersey. In 1704, the Province of New Jersey introduced the "Slave Code," which prohibited enslaved Africans and free Africans from owning property and made certain actions, like staying out past curfew, illegal for Black people. Although New Jersey outlawed the importation of enslaved Africans in 1786 and enacted a law in 1804 to abolish slavery gradually, the State Legislature passed "Peace Resolutions" in 1863 denying President Lincoln's power to

emancipate slaves and later voted against the 13th amendment to the United States Constitution.

g. In 1844, New Jersey also restricted access to the ballot box by denying the vote to people with criminal convictions the same year it restricted voting to white men, the first Northern state to do so.

h. While many Northern states abolished slavery following the Civil War, New Jersey opposed the Emancipation Proclamation and was the last Northern state to abolish slavery. Following the Civil War, New Jersey refused to ratify the Reconstruction Amendments.

i. New Jersey's deep roots in American slavery and its vestiges have endured to the present day. A direct line can be traced from New Jersey's role in American slavery to its system today of voter suppression, racial wealth disparities, mass incarceration, racial segregation, and crumbling infrastructure in Black communities in New Jersey, such as the current elevated lead levels in water and homes.

j. The full effects of the institution and legacy of slavery on Black people and communities in New Jersey have not been sufficiently examined, nor have there been remedies for past injustice and present harm, or sufficient efforts at transformation. As a result of historic and continued systemic racial discrimination, Black people in New Jersey confront some of the worst racial disparities in America, including but not limited to these areas:

(1) Access to Democracy: New Jersey suffers from racialized voter disenfranchisement, denying the vote to over 100,000 people in prison, on parole, or on probation, according to State data. Almost half are Black, though Black people comprise just 15 percent of the State's population. The racism of the criminal justice system is directly imported into the franchise.

(2) Youth Justice: Generations of Black kids have experienced racism in the youth justice system. Just two years after the Civil War, New Jersey opened Jamesburg, its largest youth prison for boys. Today, Black children are 30 times more likely to be locked up than white children, the highest disparity rate in America, even though Black and white children commit most offenses at similar rates. As of May 1, 2019, just eight white children are incarcerated in New Jersey, compared to 113 Black children, according to State data.

(3) Housing and the Racial Wealth Gap: New Jersey also experienced racially restrictive covenants that prohibited Black people from buying, leasing, or occupying property based on race, and redlining, which targeted Black people who were refused housing loans. That legacy of systemic housing discrimination spills into today's vast discrepancy in New Jersey home ownership rates: 75.8 percent for white households and 37.8 percent for Black households. Because home ownership is a primary driver of wealth, Black and Latino people in New Jersey confront one of the worst racial wealth gaps in America. The median net worth for New

Jersey's white families is \$309,000, the highest in the nation. For New Jersey's Black and Latino families, it is incredibly just \$5,900 and \$7,020, respectively, according to the Prosperity Now Scorecard. New Jersey also leads the nation in home foreclosures, according to ATTOM Data Solutions.

(4) Racial Segregation: Racial segregation itself, born from the vestiges of slavery, pervades New Jersey, which, while one of the most racially diverse states in America, is also among the most segregated. New Jersey's racial diversity and racial segregation, combined with its extreme wealth and punishing poverty, has created in New Jersey's public classrooms some of the fiercest segregation by race, ethnicity, and income in this country. Nearly half of New Jersey's Black and Latino students attend schools that are more than 90 percent nonwhite. Almost two-thirds go to schools that are more than 75 percent nonwhite.

g. To address these systemic challenges in New Jersey, the "New Jersey Reparations Task Force" will research, write, and publish a report that will make the case for State-based reparations in New Jersey and outline policy recommendations that seek to repair the harm that has resulted from America's original sin in the Garden State.

h. It is in the interest of the State and of the people of New Jersey for the government to initiate and foster methods of improving knowledge and understanding between African-Americans and other ethnic groups in New Jersey and to adopt and initiate means to foster communication and dialogue, for the purpose of achieving truth, transformation, and reparation.

i. Therefore, it is in the interest of the State and the people of New Jersey to establish the New Jersey Reparations Task Force to urge New Jersey to take responsibility for its role in American slavery and its aftermath, and to set forth comprehensive and sweeping policy recommendations aimed to develop profound and reparative financial and other investments in Black communities impacted by New Jersey's history of systemic racial discrimination.

j. The urgency for the establishment of this task force is compelling. The elder African-American population, some of whom are the grandchildren of formerly enslaved Black people and can bear direct witness to some of the severest forms of racism and oppression, is advancing in age. As too many generations of Black people have already passed without benefit of any remedies for the injustices they endured, it is important that New Jersey make the establishment of this task force an imperative.

2. There is hereby established in the Department of State in the Executive Branch of the State Government a task force to be known as the "New Jersey Reparations Task Force."

a. The task force shall consist of 11 members, at least seven of whom shall be public members, to be appointed as follows:

(1) three members shall be appointed by the Governor, not more than two of whom shall be from the same political party; and

(2) eight members shall be appointed by the Legislative leadership, as follows:

(a) two members appointed by the Senate President, not more than one of whom shall be a member of the Senate;

(b) two members appointed by the Minority Leader of the Senate, not more than one of whom shall be a member of the Senate;

(c) two members appointed by the Speaker of the General Assembly, not more than one of whom shall be a member of the General Assembly; and

(d) two members appointed by the Minority Leader of the General Assembly, not more than one of whom shall be a member of the General Assembly.

At a minimum, four of the public members of the task force shall be appointed from persons recommended by organizations concerned with the issues of civil rights; human rights; racial, social and economic justice and equality; reparations; and other issues concerning the African-American community, including the New Jersey State Conference of the National Association for the Advancement of Colored People, New Jersey Institute for Social Justice, the Rutgers University Inclusion Project, and Salvation and Social Justice.

b. The members shall serve until the task force submits its final report to the Governor and the Legislature. This report shall be made publicly available. Any vacancy in the membership of the task force shall be filled in the same manner as the original appointment was made.

3. a. The "New Jersey Reparations Task Force" shall organize as soon as practicable after the appointment of a majority of its members and shall select a chair and a vice chair among its members and a secretary who need not be a member of the task force. The presence of six members of the task force shall constitute a quorum. The task force may conduct business without a quorum, but may only vote on recommendations when a quorum is present. The task force may incur traveling and other miscellaneous expenses as it may deem necessary, within the limits of funds made available to it for its purposes. Members of the task force shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties.

b. (1) The task force shall hold at least six public meetings in different parts of the State, including Camden, Paterson, Newark, New Brunswick, Atlantic City, and Trenton, at such times and places as the task force shall determine, but no later than six months after enactment. The task force shall invite to testify the mayor of the city or municipality in which the meeting is held, and at least two members of the Board of Chosen Freeholders and two members

of the Human Relations Committee of the county in which the city or municipality is located. The task force shall invite to testify persons who are leaders in African-American organizations or communities, or have training or a verifiable interest in the history of slavery in America, New Jersey history and political science, African-American history, African-Caribbean history, labor history, penal history and law enforcement, economics, education, health, housing, human services, law, psychology, religion, or sociology. All issues raised by those testifying at the meetings shall be recorded and included, together with the task force's responses, if any, in the task force's report to the Governor and the Legislature.

(2) The Governor shall call the first meeting of the task force to occur on or before the first day of the third month after enactment.

c. The task force shall invite public comment, including testimony at its meetings, on the issues the task force is required to address as part of its responsibilities, in a manner that encourages public participation.

d. The Department of State shall publicize the task force's mission and procedures on the department's website.

e. The task force shall be entitled to avail itself of the assistance and services of the staff of the Department of State, and of the employees of any other State department, board, bureau, commission, or agency, as it may require and as may be available to it for its purposes.

f. The task force may avail itself of the assistance of members of the public for submissions of any information or research with regard to the duties of the task force set forth by section 4 of this act.

4. It shall be the duty of the "New Jersey Reparations Task Force" to study and develop reparations proposals for Black people in this State.

a. In performing this duty, the commission shall:

(1) Identify, compile, and synthesize the relevant corpus of evidentiary documentation of the institution of slavery that existed within the United States and the colonies that became the United States from 1619 through 1865. The task force's documentation and examination shall include the facts related to:

(a) the capture and procurement of Africans;

(b) the transport of Africans to the United States and the colonies that became the United States for the purpose of enslavement, including their treatment during transport;

(c) the sale and acquisition of Africans as chattel property in interstate and intrastate commerce;

(d) the treatment of African slaves in the colonies and the United States, including the deprivation of their freedom, exploitation of their labor, and destruction of their culture, language, religion, and families;

(e) the extensive denial of humanity, sexual abuse, and chattelization of persons;

(f) the role of the federal and state governments of the United States in supporting the institution of slavery in constitutional and statutory provisions, including the extent to which the governments prevented, opposed, or restricted efforts of formerly enslaved Africans and their descendants to repatriate to their homeland;

(g) the federal and state laws that discriminated against formerly enslaved Africans and their descendants who were deemed United States citizens from 1868 to the present;

(h) other forms of systemic racial discrimination in the public and private sectors against enslaved African people and their descendants who were deemed United States citizens from 1868 to the present, including redlining, Jim Crow segregation, restrictive covenants, mass incarceration, voter suppression, educational funding discrepancies, and predatory financial practices; and

(i) the lingering negative effects of the institution of slavery and the matters described in this section on living African-Americans and on society in the United States.

(2) Recommend appropriate ways to educate the New Jersey public of the task force's findings.

(3) Recommend appropriate remedies in consideration of the task force's findings on the matters described in this section.

b. In making recommendations, the task force shall address among other issues:

(1) how the recommendations comport with international standards of remedy for wrongs and injuries caused by the State, that include full reparations and special measures, as understood by various relevant international protocols, laws, and findings;

(2) how the State of New Jersey will offer a formal apology on behalf of the people of New Jersey for the perpetration of gross human rights violations and crimes against humanity on African slaves and their descendants;

(3) how New Jersey laws and policies that continue to disproportionately and negatively affect African-Americans as a group and how those that perpetuate the lingering effects, both material and psychosocial, can be eliminated;

(4) how the injuries resulting from matters described in this section can be reversed and provide appropriate policies, programs, projects, and recommendations for the purpose of reversing the injuries;

(5) how, in consideration of the task force's findings, any form of compensation to the descendants of enslaved Africans is calculated;

(6) what form of compensation should be awarded, through what instrumentalities, and who should be eligible for such compensation; and

(7) how, in consideration of the task force's findings, any other forms of rehabilitation or restitution to African descendants is

warranted and what the form and scope of those measures should take.

5. The "New Jersey Reparations Task Force" shall issue an interim report of its progress to the Governor and the Legislature no later than 12 months following the initial meeting, and shall submit its final report and recommendations to the Governor and the Legislature no later than 24 months following the initial meeting. The interim and the final report shall be submitted to the Legislature in accordance with the provisions of section 2 of P.L.1991, c.164 (C.52:14-19.1). The task force shall expire upon issuance of its final report.

6. This act shall take effect immediately, and shall expire upon the task force's issuance of its final report and recommendations to the Governor and the Legislature.

STATEMENT

This bill establishes the "New Jersey Reparations Task Force" to study and develop reparations proposals for African-Americans in this State.

The task force would consist of 11 members, comprised of four legislators and seven public members. Three members would be appointed by the Governor and eight members would be appointed by the Legislative leadership. At a minimum, four of the public members would be appointed from persons recommended by organizations concerned with the issues of civil rights, human rights, racial, social and economic justice and equality, reparations and other issues concerning the African-American community. The members of the task force will appoint a chair and a vice chair of the task force. The members of the task force would not be compensated but may be reimbursed for expenses actually incurred in the performance of their duties.

This bill, among other things, requires the task force to:

- (1) examine the institution of slavery within the State of New Jersey;
- (2) examine the extent to which the State of New Jersey and the federal government prevented, opposed, or restricted efforts of former enslaved persons and their descendants who are considered United States' citizens to economically thrive upon the ending of slavery;
- (3) examine the lingering negative effects of slavery on living African-Americans and on society in New Jersey and the United States;
- (4) research methods and materials for facilitating education, community dialogue, symbolic acknowledgement, and other formal actions leading toward transformation, reparations remedies, a sense

of justice, and economic justice among the descendants of enslaved African people in this State;

(5) make recommendations for what remedies should be awarded, through what instrumentalities, and to whom those remedies should be awarded; and

(6) address how said recommendations comport with national and international standards of remedy for wrongs and injuries caused by the State.

The task force will hold at least six public meetings in different parts of the State, including Camden, Paterson, Newark, New Brunswick, Atlantic City, and Trenton. The Governor will call the first meeting of the task force to occur on or before the first day of the third month after enactment.

The task force will issue an interim report of its progress to the Governor and the Legislature no later than 12 months following the initial meeting. The task force will submit its final report and recommendations to the Governor and the Legislature no later than 24 months following the initial meeting. The task force will expire upon issuance of its final report.

Establishes "New Jersey Reparations Task Force."